


Approved: 
KEVIN MEAD/SARAH L. KUSHNER/ASHLEY C. NICOLAS
Assistant United States Attorneys

Before: HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York

22 MAG 2591

-----x
UNITED STATES OF AMERICA

- v. -

JERRIN PENA,
a/k/a "Rooga,"
a/k/a "Perry,"
ARIEL OLIVER,
a/k/a "8Ball"
a/k/a "Ocho,"
JUSTIN DEAZA,
a/k/a "Booka,"
WILSON MENDEZ,
a/k/a "Tati,"
JOWENKY NUNEZ, and
a/k/a "Juju,"
BRIAN HERNANDEZ,
a/k/a "Malikai,"
VICTOR COLON,
a/k/a "V,"
JOSE GUTIERREZ,
a/k/a "G,"
ARGENIS TAVAREZ,
a/k/a "Nose,"
NIJMAH MARTE,
a/k/a "N,"

Defendants.

:
:
:
SEALED COMPLAINT

:
Violations of 21 U.S.C.
: § 846 and 18 U.S.C.
: § 924(c)

:
COUNTY OF OFFENSE:
NEW YORK

-----x
SOUTHERN DISTRICT OF NEW YORK, ss.:

OSCAR RIVAS, being duly sworn, deposes and says that he is a Task Force Officer with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE
(Narcotics Conspiracy)

1. From at least in or about 2019, up to and including in or about February, 2022, in the Southern District of New York and elsewhere, JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," JUSTIN DEAZA, a/k/a "Booka," WILSON MENDEZ, a/k/a "Tati," JOWENKY NUNEZ, a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," ARGENIS TAVAREZ, a/k/a "Nose," and NIJMAH MARTE, a/k/a "N," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," JUSTIN DEAZA, a/k/a "Booka," WILSON MENDEZ, a/k/a "Tati," JOWENKY NUNEZ, a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," ARGENIS TAVAREZ, a/k/a "Nose," and NIJMAH MARTE, a/k/a "N," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances that JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," JUSTIN DEAZA, a/k/a "Booka," WILSON MENDEZ, a/k/a "Tati," JOWENKY NUNEZ, a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," ARGENIS TAVAREZ, a/k/a "Nose," and NIJMAH MARTE, a/k/a "N," the defendants, conspired to distribute and possess with intent to distribute was: (a) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A); (b) mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(C); (c) mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(C); (d) mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack cocaine," in violation of Title 21, United States Code, Section 841(b)(1)(C); (e) mixtures and substances containing a detectable amount of oxycodone, in violation of Title 21, United

States Code, Section 841(b)(1)(C); and (f) mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

(Title 21, United States Code, Section 846.)

COUNT TWO
(Firearms Use)

4. From at least in or about 2019, up to and including in or about February, 2022, in the Southern District of New York and elsewhere, JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," WILSON MENDEZ, a/k/a "Tati," JOWENKY NUNEZ, a/k/a "Juju," and BRIAN HERNANDEZ, a/k/a "Malikai," VICTOR COLON, a/k/a "V," and NIJMAH MARTE, a/k/a "N," the defendants, during and in relation to a drug trafficking crime, for which they may be prosecuted in a court of the United States, namely, the controlled substance conspiracy offense charged in Count One of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the same.

(Title 18, United States Code, Sections 924(c) and 2.)

The bases for my knowledge of the foregoing charges are, in part, as follows:

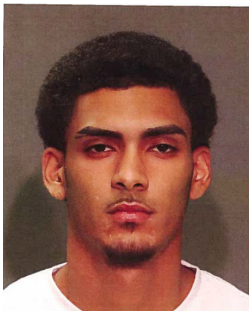
5. I am a Task Force Officer with DEA and have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview

6. JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," JUSTIN DEAZA, a/k/a "Booka," WILSON MENDEZ, a/k/a "Tati," JOWENKY NUNEZ, a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," ARGENIS TAVAREZ, a/k/a "Nose," and NIJMAH

MARTE, a/k/a "N," the defendants, are self-professed members of "Own Every Dollar," also known as "OED," a gang based in New York, New York that has conspired to, among other things, distribute narcotics and to possess multiple firearms in furtherance of that narcotics distribution.

7. Photographs of JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," JUSTIN DEAZA, a/k/a "Booka," WILSON MENDEZ, a/k/a "Tati," JOWENKY NUNEZ, a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," ARGENIS TAVAREZ, a/k/a "Nose," and NIJMAH MARTE, a/k/a "N," the defendants, taken from their prior arrests are below, as is a photograph of the logo that OED uses:



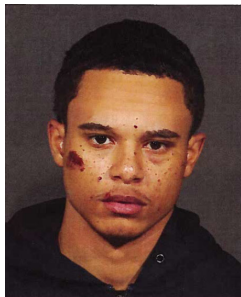
JERRIN PENA
a/k/a "Rooga"
a/k/a "Perry"



ARIEL OLIVER
a/k/a "8Ball"
a/k/a "Ocho"



JUSTIN DEAZA
a/k/a "Booka"



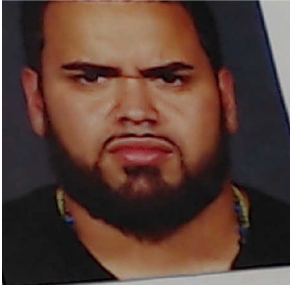
WILSON MENDEZ
a/k/a "Tati"



JOWENKY NUNEZ
a/k/a "Juju"



BRIAN HERNANDEZ
a/k/a "Malikai"



VICTOR COLON
a/k/a "V"



ARGENIS TAVAREZ
a/k/a "Nose"



JOSE GUTIERREZ
a/k/a "G"



NIJMAH MARTE
a/k/a "N"

8. Law enforcement has searched multiple social media accounts and cellphones belonging to the defendants, and has obtained extensive evidence of firearm possession, drug trafficking, possession of drug proceeds, and membership together.

9. Law enforcement has made multiple undercover purchases of narcotics from JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," JUSTIN DEAZA, a/k/a "Booka," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," ARGENIS TAVAREZ, a/k/a "Nose," and NIJMAH MARTE, a/k/a "N," the defendants.

10. In addition, ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," JUSTIN DEAZA, a/k/a "Booka," WILSON MENDEZ, a/k/a "Tati," JOWENKY NUNEZ, a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," VICTOR COLON, a/k/a "V," ARGENIS TAVAREZ, a/k/a "Nose," NIJMAH MARTE, a/k/a "N," and JOSE GUTIERREZ, a/k/a "G," the defendants, have each previously been arrested with distribution quantities of narcotics. In addition, OLIVER, DEAZA, MENDEZ, NUNEZ, HERNANDEZ, COLON, and MARTE have each been arrested in possession of firearms.

**Social Media and Cellphone Evidence of Possession of Firearms,
Narcotics Trafficking, Large Quantities of United States
Currency, OED Membership, and Conspiracy**

The Social Media Accounts and Cellphones

11. Law enforcement has searched seven Instagram accounts belonging to the defendants pursuant to a search warrant ("Oliver Account-1," "Oliver Account-2," "Oliver Account-3," "Pena Account-1," "Nunez Account-1," "Mendez Account-1," and "Hernandez Account-1") (collectively, the "Instagram Returns"). I know that each account belongs to the respective defendant based on my discussions with other law enforcement officers, who have reviewed messages on the accounts, as well as photographs on the accounts, which I compared to photographs of each defendant from prior arrests.

12. In addition, and as described below, on or about November 4, 2020, BRIAN HERNANDEZ, a/k/a "Malikai," the defendant, was arrested in Massachusetts. A cellphone (the "Hernandez Phone") was seized from HERNANDEZ at the time of his arrest, and was searched pursuant to a search warrant.

13. In addition, and as discussed below, on or about February 16, 2022, ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," the defendant, was arrested in the Bronx, New York. A phone was seized from OLIVER at the time of his arrest (the "Oliver Phone"), and was searched pursuant to a search warrant.

Aliases of the Defendants

14. Based on law enforcement's review of the Instagram Returns and cellphone evidence, I have learned, among other things, that the defendants go by the following aliases:

a. JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," the defendant;

b. ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," the defendant:

c. JUSTIN DEAZA, a/k/a "Booka," the defendant;

d. WILSON MENDEZ, a/k/a "Tati," the defendant;

e. JOWENKY NUNEZ, a/k/a "Juju," the defendant;

f. BRIAN HERNANDEZ, a/k/a "Malikai," the defendant;

Possession of Firearms

15. Based on my review of the Instagram Returns, the Oliver Phone, and the Hernandez Phone, I have identified the following communications and photographs of the defendants in possession of firearms:

a. Below is a still image from a video from Pena Account-1 of JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," the defendant, holding a firearm with an extended clip:



b. Below is a photograph from Oliver Account-2 of ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," the defendant, holding a firearm:



c. Below is a photograph from Oliver Account-2 of OLIVER with a second firearm tucked into his waistband:



d. Below is a photograph from the Oliver Phone of OLIVER holding two firearms:



e. Below is a photograph from the Hernandez Phone of JOWENKY NUNEZ, a/k/a "Juju," the defendant, holding a firearm:



f. Below is a photograph from Nunez Account-1 of NUNEZ holding a different firearm:



Narcotics Trafficking

16. From law enforcement review of the Instagram Returns, the Oliver Phone, and the Hernandez Phone, I have reviewed the following communications and photographs of the defendants trafficking narcotics:

a. Below is a still image from a video posted by Pena Account-1. I recognize the pills shown in the photograph to likely be Oxycodone pills, and the phone emoji to mean that an individual can contact JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," the defendant, by phone to purchase the Oxycodone pills:



b. Below is a photograph posted by Hernandez Account-1, in which an individual I recognize to be BRIAN HERNANDEZ, a/k/a "Malikai," the defendant, is holding a large quantity of United States currency. In addition, I recognize the text posted by Hernandez Account-1 ("no abc but this trap shit is easy") to mean that it is easy to traffic narcotics.



c. I have reviewed an exchange of messages dated March 8, 2019 from Nunez Account-1 in which an unknown individual said, "Why you ain't get nun from Jerrin crib," to which the user of Nunez Account-1, who I believe to be JOWENKY NUNEZ, a/k/a "Juju," the defendant, responded, "Bro don't ever post that."

Based on my training and experience, I understand these messages to refer to the fact that there are narcotics for sale at a premises controlled by PENA, and that NUNEZ then instructed the unknown individual not to put incriminating messages like that one into writing in the future.

d. I have reviewed an audio message dated August 13, 2019 from Oliver Account-2 in which ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," the defendant, sent a message to WILSON MENDEZ, a/k/a "Tati," the defendant, "who got drugs, my n--, I'm 183rd right now." Based on my participation in this investigation, I know that OED operates primarily in the neighborhood of West 180th Street to West 193rd Street, between Audubon and St. Nicholas Avenues, in New York, New York, and I understand "183rd" to be a reference to 183rd Street in New York, New York.

e. I have reviewed a message dated November 15, 2019 from Nunez Account-1 in which an individual sent a message to NUNEZ "You never told me what they wanted to buy," and NUNEZ replied, "He want an 8ball tho." Based on my training and experience, I understand this message to mean that someone wanted to purchase several grams of cocaine.

f. I have reviewed a message dated January 17, 2020 from Nunez Account-1 in which NUNEZ told another individual, "I'm a call you from a weird number so I could give you the cheese." Based on my training and experience, and my personal involvement in this investigation, I believe that "cheese" refers to money to pay for drugs.

g. I have reviewed messages dated May 22, 2020 from Nunez Account-1 in which NUNEZ sent an unknown individual the following messages, which based on my training and experience, I believe are about selling drugs (in particular, marijuana):

So is 120 and for the 15 rmr I took the whole thing
so just put it as a 0 and p n j put in a me and
then idk who took after

[]

owe 120 plus the 220

[]

Bro I took a 0 I gave you 100\$ then after that owe
finish I took a few dimes p took 2 n j took 1 or 2

and smerf took from that same bag and then it was 15 left and you gave it to me

[]

You rmr you gave me 3 dimes in the kitchen then after you gave me the 15.

h. I have reviewed messages dated July 20-21, 2020 from Nunez Account-1 in which NUNEZ and another individual discuss "jerrin" - that is, PENA - scheduling "shifts," which based on my training and experience and involvement in this investigation, I believe is a reference to having OED members or associates sell drugs during assigned shifts. Specifically, another individual sent the following messages to NUNEZ: "Told my son jerrin To give me the morning or afternoon shift cause yai I live in da x to stay for da night He said dike he was gonna do he schedule," to which NUNEZ responded, "I been did it like a week n something ago."

i. I have reviewed the following messages from September 28, 2020, between NUNEZ and an unknown individual on Nunez Account-1, which based on my training and experience, I believe is a discussion about selling marijuana:

Sender	Message
Unknown Individual	For how much?
NUNEZ	A o
NUNEZ	N for the ps
NUNEZ	What bud is that
Unknown Individual	London pound cake
Unknown Individual	It type high I payed 45 for a ounce idk
Unknown Individual	I really be selling it in eights
Unknown Individual	But I can do like 359
NUNEZ	I seen ya message mah late
NUNEZ	Later I'm a hyu

j. I have reviewed a message dated January 28, 2022 from the Oliver Phone in which JUSTIN DEAZA, a/k/a "Booka," the defendant, sent the following message to OLIVER, "I got someone dat wanna buy a o." I know from my training and experience that this message likely refers to the sale of an ounce of marijuana.

k. I have reviewed a message dated January 28, 2022 from the Oliver Phone in which OLIVER sent the following message to DEAZA, "Cus I gotta take him sample first." I know from my training and experience that this message likely refers to providing a potential buyer with a sample of narcotics so that the potential buyer can confirm the quality of the drug and determine whether to purchase a larger supply of it.

l. I have reviewed the following messages between HERNANDEZ and an unknown individual on the Hernandez Phone from April 18, 2020:

Sender	Message
Unknown Individual	Who you wit
HERNANDEZ	Ocho and tati
Unknown individual	You trappin
HERNANDEZ	Yessir
HERNANDEZ	I did ya shift
HERNANDEZ	That shit was jinkin
Unknown Individual	How many my shift
HERNANDEZ	16

Based on my training and experience, I understand this exchange to mean that HERNANDEZ had taken the unknown individual's "shift" selling narcotics for OED, that HERNANDEZ had sold 16 bags of the type of narcotic, and that HERNANDEZ was with OLIVER ("Ocho") and MENDEZ ("Tati").

m. I have reviewed a note on the Hernandez Phone dated May 10, 2020 which says:

14bbs-\$490

12bbs I sold 5 more than gave the gave7to8ball-175\$

Based on my training and experience, I understand this note to mean that HERNANDEZ sold a quantity of narcotics ("bbs") and gave the remaining narcotics to OLIVER ("8ball").

n. I have reviewed a note on the Hernandez Phone dated May 15, 2020 in which HERNANDEZ says, "[name omitted] is still waiting for jerrin to pick up the trap." Based on my training and experience, I understand this message to mean that [name omitted] was waiting for PENA to pick up either narcotics or a phone used to sell narcotics ("the trap").

Possession of Drug Proceeds

17. From law enforcement review of the Instagram Returns, the Oliver Phone, and the Hernandez Phone, I have reviewed the following communications and photographs of the defendants in possession of large quantities of United States currency, which I believe based on my training and experience to represent narcotics proceeds:

a. Below is a photograph from Oliver Account-2 of individuals I recognize to be JOWENKY NUNEZ, a/k/a "Juju," JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," and ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," the defendants, together with someone holding a large quantity of United States currency:



b. Below is a photograph from Oliver Account-2 of individuals I recognize to be OLIVER and JUSTIN DEAZA, a/k/a "Booka," the defendants, in which OLIVER is holding a large quantity of United States currency and DEAZA is making an "O" symbol, which I know from my training and experience and from my involvement in this investigation is a gang symbol for OED:



c. Below is a photograph from Oliver Account-2 of individuals I recognize from their faces and account names to be OLIVER and WILSON MENDEZ, a/k/a "Tati," the defendants, in which MENDEZ and OLIVER are each holding a large quantity of United States currency:



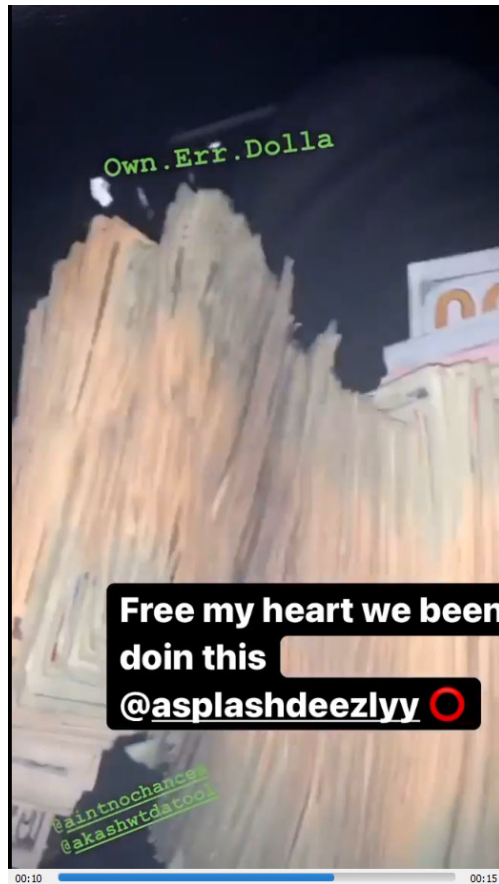
d. Below is a photograph from Nunez Account-1 of an individual I recognize from the face and account name to be NUNEZ, in which NUNEZ is holding a large quantity of United States currency:



e. Below is a still image from a video from the Hernandez Phone. The still image shows DEAZA holding a large quantity of United States currency:



f. Below is a still image from a video from Pena Account-1. The video shows PENA's face, and then shows the below image of large quantities of United States currency. I recognize the text in the picture – "Own. Err. Dolla." – to refer to OED, I recognize the red "O" to be a gang symbol for OED, and I recognize the username of Nunez Account-1 to be written in the bottom left corner:



g. Below is a photograph from Mendez Account-1 of an individual I recognize from the face and account name to be MENDEZ, in which MENDEZ is holding a large quantity of United States currency and using a low-cost flip cellphone of the type that I know from my training and experience is often used as a "burner" cellphone used in connection with trafficking narcotics:



OED Membership and Conspiracy Together

18. From law enforcement review of the Instagram Returns, the Oliver Phone, and the Hernandez Phone, I have learned the following establishing that the defendants are members of OED and members of a conspiracy together:

a. Below is a photograph from Hernandez Account-1 of individuals I recognize as (from left to right) JOWENKY NUNEZ, a/k/a "Juju," ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," BRIAN HERNANDEZ, a/k/a "Malikai," the defendants, an unknown individual, and WILSON MENDEZ, a/k/a "Tati," and JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," the defendants. I further recognize the green heart symbol to be a symbol of OED, as I know from my training and experience that OED is a subset of the Trinitarios gang, and the color of the Trinitarios gang is green:



b. PENA set the OED logo as the profile picture of Pena Account-1.

c. On the Hernandez Phone, I have reviewed a text thread between ten individuals who are members of OED. In particular:

i. The message thread contains references to "Tati," "Juju," "Perry," "Malikai," and "8ball," and contains multiple videos of an individual I recognize as DEAZA.

ii. The message thread contains the message, "Nigga [name omitted] ratted On suave" followed by a photo of what appears to be an NYPD report produced in discovery in another case summarizing statements by a witness. Shortly thereafter, a photograph of a text message from "heendrrixx_" was sent to the message thread in which "heendrrixx_" said "Ima tell all da hittas popout." I understand this series of messages to be a direction by "heendrrixx_" to harm the witness in retaliation for the statements he made to law enforcement.

iii. The message thread contains clear OED signifiers such as the message "Oedeeezlyyy."

iv. I have observed the following photograph sent in that message thread, which is a photograph of an individual holding a large amount of cash with an OED logo:



v. I have observed the following photograph sent in that message thread, which appears to be a news story about members of OED "terrorizing washington heights" that the OED members have shared amongst themselves:



d. Below is a photograph from Oliver Account-2 of an unknown individual wearing a hooded sweatshirt with the OED logo and holding a large quantity of United States currency:



The Undercover Buys from COLON, GUTIERREZ, TAVAREZ, PENA, MARTE, OLIVER, and DEAZA

19. I know the following from my review of law enforcement reports and my involvement in the investigation:

a. As regards VICTOR COLON, a/k/a "V," the defendant:

i. Between in or about May 2021 and in or about January 2022, an undercover officer ("UC-1") purchased narcotics approximately ten times from an individual who identified himself as "V" at an area in Manhattan bounded by 183rd Street, 190th Street, Wadsworth Avenue, and Audubon Avenue that is less than 20 square blocks ("Area-1").

ii. On approximately two of those occasions, UC-1 purchased cocaine from "V."

iii. On approximately eight of those occasions, UC-1 purchased what was represented to be heroin from "V," but the heroin samples tested positive for fentanyl.

iv. UC-1 was shown a photo array of different individuals and identified "V" as VICTOR COLON.

b. As regards JOSE GUTIERREZ, a/k/a "G," the defendant:

i. Between in or about May 2021 and in or about January 2022, UC-1 purchased narcotics approximately 15 times from an individual who identified himself as "G." Approximately 14 of those purchases took place in Area-1, and the other purchase was a few blocks from Area-1.

ii. On approximately 11 of those occasions, UC-1 purchased what was represented to be heroin from "G," but on eight of those occasions, the heroin samples tested positive for fentanyl.

iii. On approximately five of those occasions, UC-1 purchased Oxycodone pills.

iv. UC-1 was shown a photo array of different individuals and identified "G" as JOSE GUTIERREZ.

c. As regards ARGENIS TAVAREZ, a/k/a "Nose," the defendant:

i. On a date in or about May 2021 during which UC-1 bought fentanyl from "G" at Area-1, UC-1 met with "G." "G" indicated that UC-1 should transact with an individual identified as "Nose," and UC-1 purchased five bundles and eight glassines of heroin that later tested positive for fentanyl from "Nose."

ii. On a date in or about September 2021 during which UC-1 bought oxycodone from "G" at Area-1, UC-1 met with "G," "G" indicated that UC-1 should transact with "Nose," and UC-1 purchased one oxycodone pill from "Nose."

iii. UC-1 was shown a photo array of different individuals and identified "Nose" as ARGENIS TAVAREZ.

d. As regards JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," the defendant:

i. On a date in or about November 2021 during which UC-1 bought oxycodone from "G" at Area-1, UC-1 met with "G," handed "G" United States currency, received five oxycodone pills from "G," and then observed "G" hand an individual identified as "Rooga" all the United States currency that had been used to purchase the narcotics.

ii. UC-1 was shown a photo array of different individuals and identified "Rooga" as JERRIN PENA.

e. As regards NIJMAH MARTE, a/k/a "N," the defendant:

i. On a date in or about July 21, 2021 during which UC-1 bought heroin from "G" at Area-1, UC-1 met with "G" and UC-1 observed an individual identified as "N" hand "G" a bag containing ten bundles of heroin that later tested positive for fentanyl, and "G" then handed UC-1 the ten bundles.

ii. UC-1 was shown a photo array of different individuals and identified "N" as NIJMAH MARTE.

f. As regards ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," and JUSTIN DEAZA, a/k/a "Booka," the defendants:

i. On or about July 30, 2020, an undercover officer ("UC-2") purchased two bundles of heroin from individuals identified as "Ariel" and "Justin" and a third individual less than a block from Area-1.

ii. UC-2 was shown a photo array of different individuals and identified "Ariel" as OLIVER and "Justin" as DEAZA.

The Prior Drug and Gun Arrests of OLIVER, DEAZA, MENDEZ, NUNEZ, HERNANDEZ, COLON, TAVAREZ, MARTE, and GUTIERREZ

The September 18, 2019 Arrest of TAVAREZ with Heroin and Crack Cocaine

20. I know from my review of law enforcement reports that on or about September 18, 2019, law enforcement arrested ARGENIS TAVAREZ, a/k/a "Nose," in Area-1 in possession of 13 zip lock bags containing crack cocaine and 35 glassine envelopes containing heroin.

21. Based on my training and experience, I know that the amount of heroin and crack cocaine ARGENIS TAVAREZ, a/k/a "Nose," the defendant, was carrying at the time of his arrest and the way that the heroin and crack cocaine were packaged is consistent with the distribution of heroin and crack cocaine, as opposed to mere possession of the drugs for personal use.

The April 2, 2020 Arrest of OLIVER with Heroin

22. I know from my review of law enforcement reports that on or about April 2, 2020, law enforcement arrested ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," the defendant, approximately one block away from Area-1 in possession of a tinfoil of heroin.

23. Based on my training and experience, I know that the amount of heroin that ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," the defendant, was carrying at the time of his arrest and the way that the heroin was packaged is consistent with the distribution of heroin, as opposed to mere possession of the drugs for personal use.

The April 4, 2020 Arrest of OLIVER and MENDEZ with Heroin and Crack Cocaine

24. I know from my review of law enforcement reports that on or about April 4, 2020, law enforcement arrested ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," and WILSON MENDEZ, a/k/a "Tati," the defendants, a few blocks from Area-1, together in possession of approximately 41 glassine envelopes containing heroin and approximately 12 zip bags of crack cocaine.

25. Based on my training and experience, I know that the amount of heroin and crack cocaine ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," and WILSON MENDEZ, a/k/a "Tati," the defendants, were carrying at the time of their arrest and the way that the heroin and crack cocaine were packaged is consistent with the distribution of heroin and crack cocaine, as opposed to mere possession of the drugs for personal use.

The April 10, 2020 Arrest of OLIVER with Heroin

26. I know from my review of law enforcement reports that on or about April 10, 2020, ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," the defendant, was arrested in Area-1 in possession of approximately 25 glassine envelopes of heroin and a single pill of ecstasy.

27. Based on my training and experience, I know that the amount of heroin and crack cocaine ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," the defendant, was carrying at the time of his arrest and the way that the heroin was packaged is consistent with the distribution of heroin, as opposed to mere possession of the drugs for personal use.

The August 15, 2020 Arrest of DEAZA and MARTE with Heroin and a Firearm

28. Based on my review of video surveillance, reports prepared by other law enforcement officers, and physical evidence seized in this case, as well as my conversations with other law enforcement officers, I have learned, among other things, the following:

a. On or about August 15, 2020, an undercover officer ("UC-3") came across a livestream on social media of two individuals ("Male-1" and "Female-1") holding firearms inside a parked car ("Car-1"). Male-1 was seated in the driver's seat, holding a firearm. Female-1 was leaning into Car-1 from the front passenger side, holding another firearm.

b. Based on Car-1's surroundings in the livestream, NYPD officers were able to determine the location of Car-1, which was parked in the vicinity of a block within Area-1.

c. The NYPD officers, in an unmarked van and wearing plain clothes, drove to the location where Car-1 was parked. When they arrived, the NYPD officers drove slowly past Car-1 and confirmed that it was the same vehicle that UC-1 had just observed in the livestream. The NYPD officers observed Male-1 in the driver's seat. Female-1 was standing outside Car-1, on the passenger side, holding a large handbag (the "Bag").

d. Several NYPD officers then approached Car-1, while another officer ("Officer-1") approached Female-1, who tried to walk away. Officer-1 stopped Female-1; as Officer-1 did so, he looked down and saw a firearm lying in the Bag, which was open. At that point, Officer-1 arrested Female-1. Below is a photograph of the Bag at the scene of the crime.



e. Meanwhile, other NYPD officers on the scene removed Male-1 – who matched the individual holding a gun in the livestream – from Car-1. As soon as Male-1 exited Car-1, NYPD officers saw a firearm laying on the driver's seat, where Male-1 had been sitting, and arrested Male-1.

f. NYPD officers then arrested Male-1, and brought Male-1 and Female-1, along with two other individuals who were in Car-1, back to an NYPD precinct. Male-1 was identified as JUSTIN DEAZA, a/k/a "Booka," the defendant, and Female-1 was identified as NIJMAH MARTE, a/k/a "N," the defendant.

g. At the precinct, DEAZA was searched, and NYPD officers recovered from DEAZA approximately 50 glassines of heroin.

29. Based on my training and experience, I know that the amount of heroin that JUSTIN DEAZA, a/k/a "Booka," the defendant, was carrying at the time of his arrest and the way that the heroin was packaged is consistent with the distribution of heroin, as opposed to mere possession of the drug for personal use.

The September 8, 2020 Arrest of OLIVER, MENDEZ, and COLON with Heroin, Marijuana, and Firearms

30. I know from my review of law enforcement reports that on or about September 8, 2020, law enforcement arrested ARIEL

OLIVER, a/k/a "8Ball," a/k/a "Ocho," and WILSON MENDEZ, a/k/a "Tati," the defendants, together in possession of two firearms, a quantity of marijuana, and approximately 20 glassine envelopes containing heroin.

31. Based on my training and experience, I know that the amount of heroin ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," and WILSON MENDEZ, a/k/a "Tati," the defendants, were carrying at the time of their arrest and the way that the heroin and crack cocaine were packaged is consistent with the distribution of heroin, as opposed to mere possession of the drugs for personal use.

The November 4, 2020 Arrest of NUNEZ and HERNANDEZ with Cocaine and a Firearm

32. I know the following from my review of law enforcement reports and my conversations with other law enforcement officers:

a. On or about November 4, 2020, Massachusetts State Police officers engaged a Mercedes (the "Mercedes") in a high-speed chase.

b. The Massachusetts State Police officers arrested three individuals who had left the Mercedes in a supermarket shortly after the Mercedes had fled from the police.

c. The Massachusetts State Police officers recovered from the Mercedes a loaded firearm, two plastic sealed bags (each weighing approximately 1 kilogram) containing a pressed white powder,¹ and a film canister containing approximately six grams of a white powder. The two plastic sealed bags tested negative for cocaine, but the material in the film canister tested positive for cocaine. Based on my training and experience, I know that these facts are consistent with an attempt to sell sham cocaine by using the material in the film canister as a "sample" to attempt to prove to potential purchasers that the cocaine is real.

d. The Massachusetts State Police officers identified two of the arrested individuals who had been in the

¹ Based on my training and experience, I understand that the two plastic sealed bags were deliberately designed to imitate the appearance of cocaine.

Mercedes as JOWENKY NUNEZ, a/k/a "Juju," and BRIAN HERNANDEZ, a/k/a "Malikai," the defendants.²

e. The Hernandez Phone was seized from HERNANDEZ at the time of his arrest.

The February 4, 2021 Arrest of GUTIERREZ with Heroin

33. I know from my review of law enforcement reports that on or about February 4, 2021, JOSE GUTIERREZ, a/k/a "G," the defendant, was arrested in Area-1 in possession of 447 glassine envelopes of heroin.

34. Based on my training and experience, I know that the amount of heroin JOSE GUTIERREZ, a/k/a "G," the defendant, was carrying at the time of his arrest and the way that the heroin was packaged is consistent with the distribution of heroin, as opposed to mere possession of the drugs for personal use.

The February 16, 2022 Arrest and Post-Arrest Statement of OLIVER

35. I know the following from my involvement in the investigation:

a. On or about February 16, 2022, ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," the defendant, was arrested.

b. During the arrest, OLIVER struck law enforcement vehicles with his own vehicle several times in an attempt to escape. OLIVER also struck a law enforcement officer in the head while attempting to escape.

c. The Oliver Phone was seized from OLIVER at the time of his arrest.

d. After his arrest, OLIVER was read his Miranda rights, he waived those rights, and he said the following:

² NUNEZ and HERNANDEZ were arrested in a supermarket near where the Mercedes was parked. A witness identified NUNEZ and HERNANDEZ as the individuals who had quickly exited the Mercedes shortly before, and surveillance video from the supermarket confirmed that NUNEZ and HERNANDEZ were the individuals who had left the Mercedes. In addition, NUNEZ initially provided a false name when arrested in Massachusetts.

i. OLIVER said that he was part of a Trinitarios set called "OED."

ii. OLIVER said that, two years prior, he was selling heroin for his gang and that he made approximately \$100-\$150 per day doing so.

iii. OLIVER said that he had possessed a firearm in the past.

The February 24, 2022 Arrest of DEAZA with Fentanyl

36. On or about February 24, 2022, law enforcement officers executed arrest warrants for DEAZA at a residence in the Bronx, New York. A search warrant was then executed on the residence, pursuant to which law enforcement recovered approximately one kilogram of fentanyl.

WHEREFORE, I respectfully request that JERRIN PENA, a/k/a "Rooga," a/k/a "Perry," ARIEL OLIVER, a/k/a "8Ball," a/k/a "Ocho," JUSTIN DEAZA, a/k/a "Booka," WILSON MENDEZ, a/k/a "Tati," JOWENKY NUNEZ, a/k/a "Juju," BRIAN HERNANDEZ, a/k/a "Malikai," VICTOR COLON, a/k/a "V," JOSE GUTIERREZ, a/k/a "G," ARGENIS TAVAREZ, a/k/a "Nose," and NIJMAH MARTE, a/k/a "N," the defendants, be imprisoned, or bailed, as the case may be.

S/by the Court with permission

OSCAR RIVAS

Task Force Officer

Drug Enforcement Administration

Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this 17th day of March, 2022



THE HONORABLE ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK